

FIFTY-FIRST DAY
(Wednesday, April 24, 1991)

The Senate met at 11:00 a.m. pursuant to adjournment and was called to order by the President.

The roll was called and the following Senators were present: Armbrister, Barrientos, Bivins, Brooks, Brown, Carriker, Dickson, Ellis, Glasgow, Green, Haley, Harris of Tarrant, Harris of Dallas, Henderson, Johnson, Krier, Leedom, Lucio, Lyon, Moncrief, Montford, Parker, Ratliff, Rosson, Sibley, Sims, Tejeda, Truan, Turner, Whitmire, Zaffirini.

A quorum was announced present.

The Reverend Dr. R. C. Ricker, Berkeley United Methodist Church, Austin, offered the invocation as follows:

O Thou whose mighty call to justice is not rendered silent by the noise of our most solemn assemblies, whose holy wisdom is not eclipsed by the most eloquent tongue, and whose righteous sentence is not stayed by the cleverest of strategies; regard those whose deliberations are weighed in Thy balance this day. May they seek to be like Thee, but not to supplant Thee. May they model divine justice and holy love; may they represent a balance of godly humility and righteous courage. May the laws which they make sincerely reflect Thy law of love. And when the day is over, give them the tranquil rest of those whose purpose is clear, and whose love for others, even their enemies, tempers all that remains unfinished. In Thy holy name we ask this. Amen.

On motion of Senator Brooks and by unanimous consent, the reading of the Journal of the proceedings of yesterday was dispensed with and the Journal was approved.

CO-AUTHOR OF SENATE BILL 46

On motion of Senator Dickson and by unanimous consent, Senator Zaffirini will be shown as Co-author of S.B. 46.

CO-AUTHORS OF SENATE BILL 489

On motion of Senator Zaffirini and by unanimous consent, Senators Tejeda and Lucio will be shown as Co-authors of S.B. 489.

CO-AUTHOR OF SENATE BILL 747

On motion of Senator Lucio and by unanimous consent, Senator Truan will be shown as Co-author of S.B. 747.

CO-AUTHOR OF SENATE BILL 1433

On motion of Senator Turner and by unanimous consent, Senator Bivins will be shown as Co-author of S.B. 1433.

CO-AUTHOR OF SENATE BILL 1535

On motion of Senator Dickson and by unanimous consent, Senator Sims will be shown as Co-author of S.B. 1535.

CO-SPONSORS OF HOUSE BILL 1578

On motion of Senator Dickson and by unanimous consent, Senators Montford and Bivins will be shown as Co-sponsors of **H.B. 1578**.

MESSAGE FROM THE HOUSE

House Chamber
April 24, 1991

HONORABLE BOB BULLOCK
PRESIDENT OF THE SENATE

SIR: I am directed by the House to inform the Senate that the House has passed the following:

H.B. 46, Relating to the regulation of currency exchange; providing penalties.

Respectfully submitted,

BETTY MURRAY, Chief Clerk
House of Representatives

REPORTS OF STANDING COMMITTEES

Senator Brooks submitted the following report for the Committee on Health and Human Services:

S.B. 1283

Senator Zaffirini, Acting Chair, submitted the following report for the Committee on Health and Human Services:

C.S.S.B. 1517

Senator Brooks submitted the following report for the Committee on Health and Human Services:

C.S.S.B. 987

C.S.H.B. 79

Senator Lyon submitted the following report for the Committee on Criminal Justice:

H.B. 885

H.B. 861

S.B. 1167

S.B. 1436

C.S.S.B. 1326

C.S.S.B. 1479

Senator Whitmire submitted the following report for the Committee on Intergovernmental Relations:

H.B. 571

H.B. 1313

H.B. 1198

H.B. 1266

S.B. 1469

H.B. 553
S.B. 330
H.B. 1079
H.B. 1063
S.B. 1459
C.S.S.B. 1035

Senator Montford submitted the following report for the Committee on State Affairs:

S.B. 804
C.S.H.B. 1578

Senator Barrientos submitted the following report for the Committee on Nominations:

We, your Committee on Nominations, to which were referred the following appointments, have had same under consideration and report them back to the Senate with the recommendation that they be confirmed.

To be a Member of the TEXAS MOTOR VEHICLE COMMISSION: T. J. Connolly, Bexar County.

To be Members of the BOARD OF REGENTS, TEXAS STATE UNIVERSITY SYSTEM: William L. Cunningham, Hays County; Ms. Becky R. Espino, Pecos County; Ms. Jane Monday, Walker County.

To be a Member of the WATER DEVELOPMENT BOARD: William B. Madden, Dallas County.

To be Members of the GOVERNING BOARD OF THE TEXAS SCHOOL FOR THE DEAF: Ms. Trena Lenell Baxley, Polk County; Mrs. Beatrice M. Burke, Howard County; Ms. Gayle Hedge Lindsey, Travis County; Ms. Nancy Ellen Munger, Hays County; Ralph H. White, Travis County.

PERMISSION TO INTRODUCE BILLS AND RESOLUTIONS

Senator Brooks moved to suspend Article III, Section 5 of the Texas Constitution and Senate Rule 7.07(b) to permit the introduction of the following bills and resolutions:

S.C.R. 112	S.B. 1543
S.J.R. 45	S.B. 1544
S.B. 1540	S.B. 1545
S.B. 1541	S.B. 1546
S.B. 1542	S.B. 1547

The motion prevailed by the following vote: Yeas 31, Nays 0.

HOUSE BILLS ON FIRST READING

The following bills received from the House were read the first time and referred to the Committee indicated:

H.B. 46, To Committee on Criminal Justice.
H.B. 89, To Committee on State Affairs.
H.B. 268, To Committee on Criminal Justice.
H.B. 380, To Committee on Criminal Justice.
H.B. 725, To Committee on State Affairs.
H.B. 1111, To Committee on Natural Resources.
H.B. 1604, To Committee on Natural Resources.

SENATE BILLS AND RESOLUTIONS ON FIRST READING

Article III, Section 5 of the Texas Constitution and Senate Rule 7.07(b) having been suspended, the following bills and resolutions were introduced, read first time and referred to the Committee indicated:

S.C.R. 112 by Tejeda

Jurisprudence

Encouraging the Texas Supreme Court to establish an education program for members of the judiciary and legal profession to provide an increased awareness of the needs and rights of hearing-impaired Texans who are involved in legal or judicial matters.

S.J.R. 45 by Barrientos

Intergovernmental Relations
Subcommittee on Urban Affairs

Proposing a constitutional amendment authorizing the creation of a health services and financing district composed of the City of Austin and all or part of Travis County, authorizing the district to levy an ad valorem tax on property located in the district, to levy a sales and use tax, to create indebtedness and to make or accept gifts or grants of funds and authorizing cities, counties and other political subdivisions, units of government, or local governmental entities in the district to transfer funds to the district.

S.B. 1539 by Turner

Economic Development

Relating to the regulation of the sale and titling of manufactured housing and manufactured housing credit transactions.

S.B. 1540 by Rosson

State Affairs

Relating to a requirement that an operator service make a live operator available.

S.B. 1541 by Parker

Natural Resources

Relating to the creation, administration, powers, duties, and operation of the Texas Mitigation Management Commission and granting the authority to acquire property.

S.B. 1542 by Montford

Finance

Relating to the disclosure of the sales price and related information involved in a transfer of real property.

S.B. 1543 by Parker

Natural Resources

Relating to flood prevention and control.

S.B. 1544 by Ratliff

Finance

Relating to the definition of "category" in the appraisal of agricultural land.

S.B. 1545 by Barrientos

Intergovernmental Relations
Subcommittee on Urban Affairs

Relating to the creation and administration of the Austin/Travis County Health Services and Financing District.

S.B. 1546 by Lyon

Intergovernmental Relations

Relating to improvements which may be undertaken by a municipal public improvement district and to the procedure for creating the district.

S.B. 1547 by Turner

Finance

Relating to qualifications of a school for an exemption from ad valorem taxation and authorizing late application by a school for an exemption.

(Senator Brooks in Chair)

MESSAGE FROM THE GOVERNOR

The following Message from the Governor was read and was referred to the Committee on Nominations:

Austin, Texas
April 24, 1991

TO THE SENATE OF THE SEVENTY-SECOND LEGISLATURE,
REGULAR SESSION:

I ask the advice, consent and confirmation of the Senate with respect to the following appointments:

TO BE MEMBERS OF THE TEXAS COMMISSION ON JAIL STANDARDS,
for terms to expire January 31, 1997:

SHERIFF JOE EVANS

206 Marilyn Street

Nacogdoches, Texas 75961

Sheriff Evans will be replacing Joe Corley of Conroe, whose term expired.

CHARLES E. CHATMAN

2300 W. Taylor Street, Suite 1902

Sherman, Texas 75090

Mr. Chatman will be replacing Roy Lee Orr of De Soto, who resigned.

Respectfully submitted,

/s/Ann W. Richards
Governor of Texas

BILLS AND RESOLUTIONS SIGNED

The Presiding Officer announced the signing in the presence of the Senate, after the captions had been read, the following enrolled bills and resolutions:

S.J.R. 26

S.C.R. 106

S.B. 559

S.B. 647

S.B. 862

SENATE BILL 1033 REREFERRED

On motion of Senator Bivins and by unanimous consent, S.B. 1033 was withdrawn from the Committee on State Affairs and rereferred to the Committee on Finance.

SENATE RESOLUTION 590

Senator Whitmire offered the following resolution:

S.R. 590, Extending welcome to the Bayou City Democratic Women's Club.

The resolution was read and was adopted by a viva voce vote.

GUESTS PRESENTED

The Presiding Officer (Senator Brooks in Chair) acknowledged the presence of former members of the Legislature, Representative Rollin Khoury, Representative Gene Hendryx, Senator and former Dean of the Senate Bill Moore, and Senator Lynn Shaw.

The Senate welcomed these former legislators.

GUESTS PRESENTED

Senator Dickson was recognized and introduced the senior Government class of Abilene Cooper High School.

The Senate welcomed these guests.

GUESTS PRESENTED

Senator Sibley was recognized and introduced a delegation of guests seated in the gallery who are here in celebration of "Corsicana Day" at the Capitol.

The Senate welcomed these guests.

An enrolled copy of S.R. 496, previously adopted by the Senate on Tuesday, April 9, 1991, was prepared for the occasion.

GUESTS PRESENTED

Senator Sims was recognized and introduced the Political Science class of Sul Ross University.

The Senate welcomed these guests.

CAPITOL PHYSICIAN

Senator Ratliff was recognized and presented Dr. Larry Walker of Paris.

The Senate welcomed Dr. Walker, a participant in the "Capitol Physician" program sponsored by the Texas Academy of Family Physicians, and expressed appreciation for his contributions today.

(President in Chair)

SENATE BILL 4 ON SECOND READING

On motion of Senator Montford and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S.B. 4, Relating to the prosecution of and punishment for certain criminal offenses involving theft, misapplication of fiduciary or other property, tampering with or fabricating physical evidence, bribery and corrupt influence, tampering with a governmental record, or violations of state insurance law.

The bill was read second time.

Senator Montford offered the following committee amendment to the bill:

Committee Amendment No. 1

Amend **S.B. 4** on page 6, line 25, insert a new subsection (b) as follows and rename current subsection (b) as subsection (c):

(b) For purposes of this Article:

(1) "Texas Department of Insurance" includes but is not limited to the Executive Director of the Texas Department of Insurance, the State Board of Insurance or any association, corporation, or person created by the Texas Insurance Code.

The committee amendment was read and was adopted by a viva voce vote.

Senator Montford offered the following committee amendment to the bill:

Committee Amendment No. 2

Amend S.B. 4, page 8, by adding the following SECTIONS and renumbering the remaining SECTIONS appropriately:

SECTION 13. Section 29, The Securities Act (Article 581-29, Vernon's Texas Civil Statutes), is amended to read as follows:

Sec. 29. PENAL PROVISIONS. Any person who shall:

A. Sell, offer for sale or delivery, solicit subscriptions or orders for, dispose of, invite offers for, or who shall deal in any other manner in any security or securities without being a registered dealer or salesman or agent as in this Act provided shall be deemed guilty of a felony, and upon conviction thereof shall be sentenced to pay a fine of not more than \$5,000 or imprisonment in the penitentiary for not less than two or more than 10 years, or by both such fine and imprisonment.

B. Sell, offer for sale or delivery, solicit subscriptions to and orders for, dispose of, invite orders for, or who shall deal in any other manner in any security or securities issued after September 6, 1955, unless said security or securities have been registered or granted a permit as provided in Section 7 of this Act, shall be deemed guilty of a felony, and upon conviction thereof shall be sentenced to pay a fine of not more than \$5,000 or imprisonment in the penitentiary for not less than two or more than 10 years, or by both such fine and imprisonment.

C. In connection with the sale, offering for sale or delivery of, the purchase, offer to purchase, invitation of offers to purchase, invitations of offers to sell, or dealing in any other manner in any security or securities, whether or not the transaction or security is exempt under Section 5 or 6 of this Act, directly or indirectly:

(1) engage in any fraud or fraudulent practice;

(2) employ any device, scheme, or artifice to defraud;

(3) knowingly make any untrue statement of a material fact or omit to state a material fact necessary in order to make the statements made, in the light of the circumstances under which they are made, not misleading; or

(4) engage in any act, practice or course of business which operates or will operate as a fraud or deceit upon any person, is guilty of a felony and upon conviction shall be;

(a) imprisoned for not less than 2 or more than 10 years and ~~fin~~ fined not more than \$10,000 [~~\$5,000, or both~~], if the amount involved in the offense is less than \$10,000;

(b) ~~[-or]~~ imprisoned for not less than 2 or more than 20 years and ~~fin~~ fined not more than \$10,000 ~~[-or both]~~, if the amount involved in the offense is \$10,000 or more but less than \$100,000; or

(c) imprisoned for life or for not less than 5 or more than 99 years and fined not more than \$10,000, if the amount involved is \$100,000 or more.

D. Sell or offer for sale any security or securities named or listed in a notice in writing given him by the commissioner under the authority of Section 23A of this Act shall be deemed guilty of a felony, and upon conviction thereof shall be sentenced to pay a fine of not more than \$5,000 or imprisonment in the penitentiary for not more than two years, or by both such fine and imprisonment.

E. Knowingly make or cause to be made, in any document filed with the commissioner or in any proceeding under this Act, whether or not such document or proceeding relates to a transaction or security exempt under the provisions of Sections 5 or 6 of this Act, any statement which is, at the time and in the light of the circumstances under which it is made, false or misleading in any

material respect shall be deemed guilty of a felony, and upon conviction thereof shall be sentenced to pay a fine of not more than \$5,000 or imprisonment in the penitentiary for not less than two or more than 10 years, or by both such fine and imprisonment.

F. Knowingly make any false statement or representation concerning any registration made under the provisions of this Act shall be deemed guilty of a felony, and upon conviction thereof shall be sentenced to pay a fine of not more than \$5,000 or imprisonment in the penitentiary for not more than two years, or by both such fine and imprisonment.

G. Make an offer within this State as to any security that is not in compliance with the requirements set forth in Section 22 of this Act shall be deemed guilty of a felony, and upon conviction thereof, shall be sentenced to pay a fine of not more than \$5,000 or imprisonment in the penitentiary for not more than two years, or by both such fine and imprisonment.

SECTION 14. The Securities Act, (Article 581-1, et seq., Vernon's Texas Civil Statutes), is amended by adding Section 29-2 to read as follows:

Sec. 29-2. AGGREGATION OF AMOUNTS INVOLVED IN SECURITIES FRAUD. When amounts are obtained in violation of this Act under one scheme or continuing course of conduct, whether from the same or several sources, the conduct may be considered as one offense and the amounts aggregated in determining the grade of the offense.

SECTION 6. (a) The change in law made by this Act applies only to an offense committed on or after the effective date of this Act. For purposes of this section, an offense is committed before the effective date of this Act if any element of the offense occurs before the effective date.

(b) An offense committed before the effective date of this Act is covered by the law in effect when the offense was committed, and the former law is continued in effect for this purpose.

The committee amendment was read and was adopted by a viva voce vote.

On motion of Senator Montford and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment by a viva voce vote.

SENATE BILL 4 ON THIRD READING

Senator Montford moved that the Constitutional Rule and Senate Rule 7.20 requiring bills to be read on three several days be suspended and that S.B. 4 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The bill was read third time and was passed by a viva voce vote.

SENATE BILL 585 ON SECOND READING

On motion of Senator Barrientos and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S.B. 585, Relating to public school employees who are called to active military service.

The bill was read second time.

Senator Barrientos offered the following committee amendment to the bill:

Amend S.B. 585 as follows:

On page 1, line 13, insert the following subsection (b) of Sec. 21.931 in Section 1, and renumber the remaining subsections accordingly.

(b) The board may provide such payments to military reservists and National Guard members on a retroactive basis from time of initial call-up to active duty, or from July 1, 1990, whichever is later.

The committee amendment was read and was adopted by a viva voce vote.

On motion of Senator Barrientos and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment by a viva voce vote.

SENATE BILL 585 ON THIRD READING

Senator Barrientos moved that the Constitutional Rule and Senate Rule 7.20 requiring bills to be read on three several days be suspended and that S.B. 585 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

COMMITTEE SUBSTITUTE SENATE BILL 696 ON SECOND READING

On motion of Senator Carriker and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

C.S.S.B. 696, Relating to the Texas Department of Health's authority to adopt alternative minimum standards for hospitals in rural communities.

The bill was read second time and was passed to engrossment by a viva voce vote.

COMMITTEE SUBSTITUTE SENATE BILL 696 ON THIRD READING

Senator Carriker moved that the Constitutional Rule and Senate Rule 7.20 requiring bills to be read on three several days be suspended and that C.S.S.B. 696 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

MESSAGE FROM THE HOUSE

House Chamber
April 24, 1991

HONORABLE BOB BULLOCK
PRESIDENT OF THE SENATE

SIR: I am directed by the House to inform the Senate that the House has passed the following:

H.C.R. 207, Expressing appreciation to The Chevron Companies for their invaluable support of Speaker's Day.

Respectfully submitted,

BETTY MURRAY, Chief Clerk
House of Representatives

GUESTS PRESENTED

Senator Barrientos was recognized and introduced a delegation from the People's Republic of China along with Governor He.

The Senate welcomed these guests.

SENATE BILL 942 ON SECOND READING

On motion of Senator Green and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S.B. 942, Relating to the applicability of the Texas Motor Vehicle Safety-Responsibility Act and driver's license suspensions under that Act.

The bill was read second time.

Senator Green offered the following amendment to the bill:

Amend S.B. 942 as follows:

(1) Add new SECTIONS 2, 3, and 4 to read as follows:

SECTION 2. Subsection (a), Section 1C, Texas Motor Vehicle Safety-Responsibility Act (Article 6701h, Vernon's Texas Civil Statutes), is amended to read as follows:

(a) A person who operates a motor vehicle or knowingly permits a motor vehicle owned by the person to be operated commits an offense if the person fails [Failure] to maintain financial responsibility. An offense under this section [as defined in Section 1(10) of this Act] is a Class C misdemeanor, punishable by a fine of not less than One hundred seventy-five Dollars (\$175) and, if the person has been previously convicted under this section, an offense under this section is a [Subsequent offenses shall be] Class B misdemeanor [misdemeanors, punishable by a fine of not less than Two Hundred Dollars (\$200)].

SECTION 3. Section 1C, Texas Motor Vehicle Safety-Responsibility Act (Article 6701h, Vernon's Texas Civil Statutes), is amended by adding Subsections (e), (f), and (g) to read as follows:

(e) In this section, "financial responsibility" means having in effect an automobile insurance policy insuring against potential losses which may arise out of the operation of the vehicle in at least the minimum amounts stated in Section 1(10) of this Act, having in effect a certificate of self-insurance issued in accordance with Section 34 of this Act, or having in effect a financial responsibility certificate issued by the Department and evidencing compliance with Section 24, 25, or 1A(b)(6) of this Act.

(f) A person who fails to furnish evidence of financial responsibility as required by Section 1B of this Act or who furnishes false evidence is presumed to have failed to maintain financial responsibility.

(g) It is an affirmative defense to prosecution under this section that the person:

(1) was operating or permitting another to operate a vehicle exempted by Section 1A of this Act;

(2) produced in court an automobile liability insurance policy, financial responsibility certificate, or certificate of self-insurance previously issued

to that person or covering the vehicle operated, that was valid at the time of the offense; or

(3) was operating a vehicle which was in the possession of the person for the sole purpose of maintenance or repair and was not owned in whole or in part by the person.

SECTION 4. Sections 1D and 1D-2, Texas Motor Vehicle Safety-Responsibility Act (Article 6701h, Vernon's Texas Civil Statutes), are repealed.

(2) Delete SECTION 3 and renumber SECTIONs 2 and 4 as SECTIONs 5 and 6.

(3) Add to the end of SECTION 4 (now SECTION 6), before the period:

“, and that this Act take effect and be in force from and after its passage, and it is so enacted.”

The amendment was read and was adopted by a viva voce vote.

On motion of Senator Green and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment by a viva voce vote.

SENATE BILL 942 ON THIRD READING

Senator Green moved that the Constitutional Rule and Senate Rule 7.20 requiring bills to be read on three several days be suspended and that S.B. 942 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

GUEST PRESENTED

The President acknowledged the presence of former Representative Bill Woolsey.

The Senate welcomed Representative Woolsey.

SENATE BILL 1127 ON SECOND READING

On motion of Senator Tejeda and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S.B. 1127, Relating to the sale of real property that is owned by a county.

The bill was read second time and was passed to engrossment by a viva voce vote.

SENATE BILL 1127 ON THIRD READING

Senator Tejeda moved that the Constitutional Rule and Senate Rule 7.20 requiring bills to be read on three several days be suspended and that S.B. 1127 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

(Senator Glasgow in Chair)

**COMMITTEE SUBSTITUTE
SENATE BILL 1267 ON SECOND READING**

On motion of Senator Ratliff and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

C.S.S.B. 1267, Relating to the placement of signs on the right-of-way of a public road; providing penalties.

The bill was read second time and was passed to engrossment by a viva voce vote.

RECORD OF VOTE

Senator Harris of Tarrant asked to be recorded as voting "Nay" on the passage of the bill to engrossment.

**COMMITTEE SUBSTITUTE
SENATE BILL 1267 ON THIRD READING**

Senator Ratliff moved that the Constitutional Rule and Senate Rule 7.20 requiring bills to be read on three several days be suspended and that **C.S.S.B. 1267** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 1.

Nays: Harris of Tarrant.

The bill was read third time and was passed by a viva voce vote.

RECORD OF VOTE

Senator Harris of Tarrant asked to be recorded as voting "Nay" on the final passage of the bill.

**COMMITTEE SUBSTITUTE
SENATE BILL 1237 ON SECOND READING**

On motion of Senator Truan and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

C.S.S.B. 1237, Relating to the annexation of certain territory by certain junior college districts.

The bill was read second time.

Senator Truan offered the following amendment to the bill:

Amend **C.S.S.B. 1237** in SECTION 1 (Committee Printing page 1, line 29), in Subsection (a), Section 130.0711, after "municipality" by inserting "with a population of 250,000 or more and".

The amendment was read and was adopted by a viva voce vote.

On motion of Senator Truan and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment by a viva voce vote.

**COMMITTEE SUBSTITUTE
SENATE BILL 1237 ON THIRD READING**

Senator Truan moved that the Constitutional Rule and Senate Rule 7.20 requiring bills to be read on three several days be suspended and that C.S.S.B. 1237 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

GUESTS PRESENTED

Senator Sims was recognized and introduced students from John Glenn Junior High School of San Angelo.

The Senate welcomed these students.

**COMMITTEE SUBSTITUTE
SENATE BILL 183 ON SECOND READING**

On motion of Senator Sims and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

C.S.S.B. 183, Relating to the licensing of certain persons by the State Board of Dental Examiners.

The bill was read second time.

Senator Johnson offered the following amendment to the bill:

Amend **C.S.S.B. 183** as follows:

(1) In SECTION 1 of the bill, in the added Section 2A(a) (Committee Printing page 1, line 60), delete "March 1 of a calendar year and before".

(2) In SECTION 1 of the bill, strike the added Section 2A(e) (Committee Printing page 2, lines 4-10), and substitute the following:

(e) To reenter active practice, a licensee on retired status must notify the Board in writing. The Board may return the licensee to active status and grant a renewal license on compliance with any educational or other requirements established by rules adopted by the Board and on payment of the renewal fee in effect at the time of the requested reinstatement. The Board may charge a reasonable administrative fee to cover the cost of research and the preparation of documentation for the Board's consideration of a request for reinstatement.

(3) In SECTION 1 of the bill, strike the added Section 2A(f) (Committee Printing page 2, lines 11-13), and substitute the following:

(f) Notwithstanding any other provision of this Act, a person formerly licensed to practice as a dentist in this state who has not practiced as a dentist for two years or longer may apply to the Board for retired status under this section. On notification to the Board of the person's intent to return to active status, all other provisions of this section shall apply.

The amendment was read and was adopted viva voce vote.

On motion of Senator Sims and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment by a viva voce vote.

**COMMITTEE SUBSTITUTE
SENATE BILL 183 ON THIRD READING**

Senator Sims moved that the Constitutional Rule and Senate Rule 7.20 requiring bills to be read on three several days be suspended and that **C.S.S.B. 183** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

(President in Chair)

**SENATE CONCURRENT RESOLUTION 93
ON SECOND READING**

On motion of Senator Johnson and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading:

S.C.R. 93, Requesting the Texas Medical Disclosure Panel to adopt disclosures of risks and hazards for breast implantation procedures for the protection of all citizens who may be faced with this crucial decision.

The resolution was read second time and was adopted by a viva voce vote.

**COMMITTEE SUBSTITUTE
SENATE BILL 373 ON SECOND READING**

Senator Carriker asked unanimous consent to suspend the regular order of business to take up for consideration at this time:

C.S.S.B. 373, Relating to the creation of the office of rural affairs in the office of the governor.

There was objection.

Senator Carriker then moved to suspend the regular order of business and take up **C.S.S.B. 373** for consideration at this time.

The motion prevailed by the following vote: Yeas 22, Nays 8.

Yeas: Armbrister, Barrientos, Brooks, Carriker, Dickson, Ellis, Green, Haley, Johnson, Leedom, Lucio, Lyon, Moncrief, Montford, Parker, Rosson, Sims, Tejeda, Truan, Turner, Whitmire, Zaffirini.

Nays: Bivins, Brown, Glasgow, Harris of Tarrant, Henderson, Krier, Ratliff, Sibley.

Absent: Harris of Dallas.

The bill was read second time.

Senator Montford offered the following amendment to the bill:

Amend **C.S.S.B. 373** by adding a new **SECTION 6** to read as follows:

SECTION 6. Notwithstanding the Linked Deposit Program authority granted by this Act, the Legislature may not appropriate funds for the Office of Rural Affairs from the General Revenue Fund for the biennium ending August 31, 1993.

The amendment was read and was adopted by a viva voce vote.

On motion of Senator Carriker and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment by a viva voce vote.

RECORD OF VOTE

Senator Glasgow asked to be recorded as voting "Nay" on the passage of the bill to engrossment.

COMMITTEE SUBSTITUTE SENATE BILL 373 ON THIRD READING

Senator Carriker moved that the Constitutional Rule and Senate Rule 7.20 requiring bills to be read on three several days be suspended and that C.S.S.B. 373 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 24, Nays 6.

Yeas: Armbrister, Barrientos, Brooks, Carriker, Dickson, Ellis, Green, Haley, Henderson, Johnson, Leedom, Lucio, Lyon, Moncrief, Montford, Parker, Ratliff, Rosson, Sims, Tejeda, Truan, Turner, Whitmire, Zaffirini.

Nays: Bivins, Brown, Glasgow, Harris of Tarrant, Krier, Sibley.

Absent: Harris of Dallas.

The bill was read third time and was passed by a viva voce vote.

RECORD OF VOTES

Senators Bivins, Brown, Glasgow, Harris of Tarrant, Henderson, Krier, Ratliff and Sibley asked to be recorded as voting "Nay" on the final passage of the bill.

SENATE BILL 521 ON SECOND READING

On motion of Senator Brooks and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S.B. 521, Relating to the regulation of medical physicists; providing penalties.

The bill was read second time and was passed to engrossment by a viva voce vote.

SENATE BILL 521 ON THIRD READING

Senator Brooks moved that the Constitutional Rule and Senate Rule 7.20 requiring bills to be read on three several days be suspended and that S.B. 521 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The bill was read third time and was passed by a viva voce vote.

COMMITTEE SUBSTITUTE SENATE BILL 489 ON SECOND READING

On motion of Senator Zaffirini and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

C.S.S.B. 489, Relating to surplus state water diverted from an international stream for domestic or municipal purposes.

The bill was read second time and was passed to engrossment by a viva voce vote.

**COMMITTEE SUBSTITUTE
SENATE BILL 489 ON THIRD READING**

Senator Zaffirini moved that the Constitutional Rule and Senate Rule 7.20 requiring bills to be read on three several days be suspended and that C.S.S.B. 489 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The bill was read third time and was passed by a viva voce vote.

**COMMITTEE SUBSTITUTE
SENATE BILL 1106 ON SECOND READING**

On motion of Senator Sims and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

C.S.S.B. 1106, Relating to the leasing, development, and management of minerals owned by the state.

The bill was read second time and was passed to engrossment by a viva voce vote.

**COMMITTEE SUBSTITUTE
SENATE BILL 1106 ON THIRD READING**

Senator Sims moved that the Constitutional Rule and Senate Rule 7.20 requiring bills to be read on three several days be suspended and that C.S.S.B. 1106 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

**COMMITTEE SUBSTITUTE
SENATE BILL 1233 ON SECOND READING**

On motion of Senator Carriker and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

C.S.S.B. 1233, Relating to processes and procedures connected with the registration of voters; providing criminal penalties.

The bill was read second time and was passed to engrossment by a viva voce vote.

**COMMITTEE SUBSTITUTE
SENATE BILL 1233 ON THIRD READING**

Senator Carriker moved that the Constitutional Rule and Senate Rule 7.20 requiring bills to be read on three several days be suspended and that C.S.S.B. 1233 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The bill was read third time and was passed by a viva voce vote.

GUEST PRESENTED

The President acknowledged the presence of former Attorney General Jim Mattox.

The Senate welcomed Mr. Mattox.

(Senator Lucio in Chair)

SENATE BILL 644 ON SECOND READING

Senator Moncrief asked unanimous consent to suspend the regular order of business to take up for consideration at this time:

S.B. 644, Relating to coverage of biologically based mental illnesses under certain group health insurance programs.

There was objection.

Senator Moncrief then moved to suspend the regular order of business and take up **S.B. 644** for consideration at this time.

The motion prevailed by the following vote: Yeas 25, Nays 4, Present-not voting 1.

Yeas: Armbrister, Barrientos, Brooks, Carriker, Dickson, Ellis, Glasgow, Green, Haley, Harris of Tarrant, Henderson, Johnson, Krier, Lyon, Moncrief, Parker, Ratliff, Rosson, Sibley, Sims, Tejeda, Truan, Turner, Whitmire, Zaffirini.

Nays: Bivins, Brown, Leedom, Montford.

Present-not voting: Lucio.

Absent: Harris of Dallas.

The bill was read second time and was passed to engrossment by a viva voce vote.

RECORD OF VOTE

Senator Montford asked to be recorded as voting "Nay" on the passage of the bill to engrossment.

(President in Chair)

MOTION TO PLACE**SENATE BILL 644 ON THIRD READING**

Senator Moncrief moved that the Constitutional Rule and Senate Rule 7.20 requiring bills to be read on three several days be suspended and that **S.B. 644** be placed on its third reading and final passage.

The motion was lost by the following vote: Yeas 21, Nays 7. (Not receiving four-fifths vote of Members present)

Yeas: Armbrister, Barrientos, Brooks, Carriker, Dickson, Ellis, Green, Haley, Harris of Tarrant, Johnson, Krier, Lyon, Moncrief, Parker, Rosson, Sims, Tejeda, Truan, Turner, Whitmire, Zaffirini.

Nays: Bivins, Brown, Henderson, Leedom, Montford, Ratliff, Sibley.

Absent: Glasgow, Harris of Dallas, Lucio.

HOUSE BILL 729 ON SECOND READING

On motion of Senator Turner and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

H.B. 729, Relating to the availability of certain personnel records of employees of the Texas Department of Criminal Justice.

The bill was read second time and was passed to third reading by a viva voce vote.

HOUSE BILL 729 ON THIRD READING

Senator Turner moved that the Constitutional Rule and Senate Rule 7.20 requiring bills to be read on three several days be suspended and that **H.B. 729** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

NOTICE OF CONSIDERATION OF NOMINATIONS

Senator Barrientos gave notice that he would tomorrow at the conclusion of Morning Call submit to the Senate for consideration nominations to agencies, boards and commissions of the State.

SENATE RULE 11.11 SUSPENDED

On motion of Senator Sims and by unanimous consent, Senate Rule 11.11 was suspended in order that the Committee on Natural Resources might consider the following bills today:

S.B. 1053

S.B. 1054

H.B. 1181

SENATE RULE 11.11 SUSPENDED

On motion of Senator Haley and by unanimous consent, Senate Rule 11.11 was suspended in order that the Committee on Administration might meet today.

SENATE RULE 11.11 SUSPENDED

On motion of Senator Dickson and by unanimous consent, Senate Rule 11.11 was suspended in order that the Committee on Economic Development might consider the following bills today:

H.B. 270

S.B. 619

SENATE RULE 11.11 SUSPENDED

On motion of Senator Parker and by unanimous consent, Senate Rule 11.11 was suspended in order that the Committee on Education might consider **S.B. 1146** today.

MEMORIAL RESOLUTION

S.R. 589 - By Truan: In memory of J. M. "Chema" Alaniz.

CONGRATULATORY RESOLUTIONS

S.C.R. 111 - By Barrientos: Expressing appreciation to Dr. Herman F. Mark for his outstanding achievements and extending best wishes for a celebratory 96th birthday.

S.R. 591 - By Whitmire: Recognizing Alfred "Al" DiRienzo, Vice-President of the International Union of Bricklayers and Allied Craftsmen, for his unique contributions to the citizens of Texas.

ADJOURNMENT

On motion of Senator Brooks, the Senate at 1:22 p.m. adjourned, in memory of James Lenoy Slider of Naples, Sophia Philquist of McAllen and Jose Carmona Sanchez of Weslaco, until 10:30 a.m. tomorrow.

APPENDIX

Sent to Governor
(April 24, 1991)

S.C.R. 106

S.B. 559

S.B. 647

S.B. 862

Filed with Secretary of State
(April 24, 1991)

S.J.R. 26

**In Memory
of**

James Lenoy Slider

Senator Ratliff offered the following resolution:

(Senate Resolution 576)

WHEREAS, The State of Texas has lost one of its most respected, well-loved, and eminent citizens with the death of James Lenoy Slider on August 4, 1990; and

WHEREAS, Born September 17, 1924, James Slider was a graduate of James Bowie High School in Simms and served in the United States Navy during World War II; and

WHEREAS, An enterprising and personable gentleman, James Slider managed a successful insurance and real estate business in Naples until his election to the Texas House of Representatives in 1960; and

WHEREAS, As one of the state's outstanding legislators, Mr. Slider carved a remarkable career in politics that spanned six terms of office; and

WHEREAS, He ably represented the people of the 2nd House District and was committed to serving with integrity and dedication; and

WHEREAS, A highly accomplished leader, he gave unstintingly of his time and energy to the people of Texas; he served as Chairman of the Parks and Wildlife Committee, the Insurance Committee, and the State Affairs Committee, and he was acting speaker of the house during a special session of the legislature in March, 1972; and

WHEREAS, James Slider's generous contributions to the community included being an active Shriner and an organizer of little league baseball in the Naples area; he also was a devout Christian and a member of the First United Methodist Church, the Belden Masonic Lodge, and the Naples-Omaha Lions Club; and

WHEREAS, James Slider lived life to the fullest and is fondly remembered as "... spinner of good yarns; a man who loved and enjoyed his home, his family, and his friends"; and

WHEREAS, He was a distinguished and exemplary gentleman with an engaging personality, and his understanding, valor, and sense of humor have left indelible impressions on the town of Naples and countless Texans; and

WHEREAS, The State of Texas was fortunate to have the benefit of his extraordinary charm, leadership, and generosity, and he leaves behind memories that will be treasured forever by his family and many friends; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 72nd Legislature, hereby pay tribute to the life of James Lenoy Slider and extend sincere condolences to his bereaved family: his wife, Orene Fleming Slider; his daughter, Sheri Estes; his granddaughter, Amy Estes; and his sister, Mrs. Velma Vinson; and, be it further

RESOLVED, That a copy of this Resolution be prepared for the members of his family as an expression of deepest sympathy from the Texas Senate, and that when the Senate adjourns this day, it do so in memory of James Lenoy Slider.

The resolution was read.

On motion of Senator Brooks and by unanimous consent, the names of the Lieutenant Governor and Senators were added to the resolution as signers thereof.

Upon recognition, Senator Ratliff introduced Mrs. Orene Fleming Slider, wife of James Slider; Sheri Slider Estes, daughter; Amy Estes, granddaughter; the Honorable Byron Tunnell; former State Senator Ed Howard; former State Representative Gene Hendryx; Jill DeVoti; and the Honorable Sam Russell.

An enrolled copy of the resolution, previously adopted by the Senate on Monday, April 22, 1991, was presented to the family by the President.

**In Memory
of
Sophia Philquist**

Senator Lucio offered the following resolution:

(Senate Concurrent Resolution 108)

WHEREAS, The death of Sophia Philquist of McAllen on November 2, 1990, at the age of 67 has brought a great loss to the many friends and relatives of this dedicated and patriotic woman; and

WHEREAS, Born in Lufkin on February 4, 1923, Mrs. Philquist led a full and active life and was a widely respected member of her community; and

WHEREAS, An honors graduate of Schreiner Institute in Kerrville, she was active in student life as a member of the Phi Theta Kappa national honors society and as a company band sponsor, an honor that allowed her to march with the cadet corps at all dress parades; she was also president of Company X, a select organization of women students; and

WHEREAS, When the United States entered World War II, Mrs. Philquist answered her country's call and interrupted her education to accept a defense job at Fort Sam Houston in San Antonio; later she was transferred to Camp Mabry in Austin and became an administrative aide in the office of the Adjutant General of Texas; and

WHEREAS, In 1955 she moved to McAllen, where she worked for 25 years with various savings and loan institutions, including Jefferson Savings and Loan Association, from which she retired as vice-president in 1981; and

WHEREAS, A woman of diverse skills and interests, Mrs. Philquist also owned and operated Philbred Kennels in McAllen for 20 years, where she bred and sold springer spaniel hunting dogs; and

WHEREAS, A longtime resident of McAllen, she maintained close ties to her community and was a member of St. John's Episcopal Church and sang in its choir; she was active in a variety of worthwhile community projects as well; and

WHEREAS, A descendant of some of East Texas' earliest settlers and community leaders, she was heir to a proud family history, a reverence for which she respectfully passed on to her own children and their children in turn; and

WHEREAS, Her great-great-grandfather, Thomas Crittendon Mantooth, was the first mayor of Homer and the second mayor of Lufkin; her great-grandparents were Molly Moore Mantooth and Dr. Lafayette Mantooth, a prominent Lufkin physician; her grandparents were Helen Mantooth Campbell and Dr. Crockett Campbell, who practiced dentistry in Lufkin until he was appointed United States postmaster at Lufkin; and

WHEREAS, During her lifetime, this exceptional woman had the opportunity to touch the lives of many people, and though her presence will be deeply missed, her memory will endure in the minds and hearts of those who came to know and love her; now, therefore, be it

RESOLVED, That the 72nd Legislature of the State of Texas hereby pay tribute to the life of Sophia Philquist and extend sympathy to the members of her family: to her husband, Gordon Sansom Philquist; to her children and their spouses, Mary and Lee Baucum, Bonnie and Ronald Tobin, and Penny and Ronald Bergeron; to her grandchildren, Logan and Lindsay Baucum, Ronnie Tobin, and Heather Bergeron; to her sister, Saxon Fox; to her

nephews, Mark and Scott Maurer; and to the other members of her family; and, be it further

RESOLVED, That official copies of this resolution be prepared for the members of her family and that when the Texas House of Representatives and Senate adjourn this day, they do so in memory of Sophia Philquist.

LUCIO
BARRIENTOS

The resolution was read.

On motion of Senator Brooks and by unanimous consent, the names of the Lieutenant Governor and Senators were added to the resolution as signers thereof.

On motion of Senator Lucio and by unanimous consent, the resolution was considered immediately and was adopted by a rising vote of the Senate.

In Memory**of****Jose Carmona Sanchez**

Senator Lucio offered the following resolution:

(Senate Resolution 586)

WHEREAS, The death of Jose Carmona Sanchez on April 8, 1991, at the age of 83, has brought a great loss to the family and friends of this remarkable man; and

WHEREAS, A resident of Weslaco since it was first settled in 1919, Mr. Sanchez was employed with McManus Produce Company for more than 30 years; and

WHEREAS, In 1926 he married Maria Vallejo Sanchez and the couple enjoyed a long and rewarding marriage that was blessed with three sons and five daughters, all of whom were baptized, confirmed, and received their first communion at St. Joan of Arc Church; and

WHEREAS, Although he had no formal education, Mr. Sanchez taught himself to read and write and inspired his children to pursue their education and assume roles of leadership in the communities in which they live; and

WHEREAS, Mr. Sanchez's profound influence on his children is evidenced by their exemplary civic leadership; Joe V. Sanchez has served three terms as mayor of Weslaco, Samuel V. Sanchez is a former Hidalgo County commissioner, and Graciela Sanchez is a South Texas national delegate for the Democratic Party; and

WHEREAS, This admirable gentleman maintained an avid interest in community service and politics throughout his lifetime, serving as a delegate to the Democratic State Convention for many years and as a dedicated worker at his precinct polling place during elections; and

WHEREAS, Jose Carmona Sanchez will long be remembered for the many outstanding contributions he made to the betterment of his community; though his presence is gone from us now, his unique spirit will continue to live on in the hearts of all who were privileged to know him; now, therefore, be it

RESOLVED, That the Senate of the 72nd Texas Legislature hereby pay tribute to the life of Jose Carmona Sanchez and extend sincere sympathy to the members of his family: to his wife, Maria Vallejo Sanchez of Weslaco; to his sons, Joe V. Sanchez, Samuel V. Sanchez, and Roberto E. Sanchez, all of Weslaco; to his daughters, Esperanza Martinez, Inocencia Sanchez, Anita Garza, and Graciela Sanchez, all of Weslaco, and Maria Belinda Blankenship of Pyote, Texas; to his 23 grandchildren; to his 11 great-grandchildren; to his sister, Evangelina Sanchez Gonzalez of Edcouch; and to his brothers, Alfonso Sanchez, Pablo Sanchez, and Felipe Sanchez, all of Weslaco; and, be it further

RESOLVED, That official copies of this resolution be prepared for the members of his family and that when the Texas Senate adjourns this day, it do so in memory of Jose Carmona Sanchez.

The resolution was read.

On motion of Senator Truan and by unanimous consent, the names of the Lieutenant Governor and Senators were added to the resolution as signers thereof.

On motion of Senator Lucio and by unanimous consent, the resolution was adopted by a rising vote of the Senate.